UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF ALLOWANCE AND FEE(S) DUE

20872   7590   05/14/2009

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

EXAMINER
SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
2457	

DATE MAILED: 05/14/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/086,821	05/29/1998	MARCO LARA	324212005500	8789

TITLE OF INVENTION: WEB SERVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$0	$0	$1510	08/14/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Complete and send this form, together with applicable fee(s), to: <u>Mail</u>   Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or <u>Fax</u>   (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)

_____ (Signature)

_____ (Date)

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09/086,821	05/29/1998	MARCO LARA	324212005500	8789

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nonprovisional	NO	$1510	$0	$0	$1510	08/14/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
SALAD, ABDULLAHI ELMI	2457	709-200000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❏ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❏ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) :   ❏ Individual   ❏ Corporation or other private group entity   ❏ Government

4a. The following fee(s) are submitted:

❏ Issue Fee

❏ Publication Fee (No small entity discount permitted)

❏ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

❏ A check is enclosed.

❏ Payment by credit card. Form PTO-2038 is attached.

❏ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

❏ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

❏ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____   Date _____

Typed or printed name _____   Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Alexandria, Virginia 22313-1450
www.uspto.gov

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Determination of Patent Term Extension under 35 U.S.C. 154 (b)
(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

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PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

	Application No.	Applicant(s)
Notice of Allowability	09/086,821	LARA ET AL.
	Examiner	Art Unit	
	Salad Abdullahi	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *2/23/2009*.

2. ☒ The allowed claim(s) is/are *1,6-16,25 and 34-39*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.

    (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date *5/11/2009*.

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

Examiner's Amendment

1.   An examiner's amendment to the record appears below. Should changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37

CFR 1.312.

        To ensure consideration of such amendment, it must be submitted no later than

the payment of the issue.

2.   Authorization for the examiner's amendment was given in a telephone interview

with Mr. Christopher B. Eide on 5/5/2009.

3.   The application has been amended as follows.

 Please replace the claims as attached.

4.   Claims 1, 6-16, 25, 34-39 are allowed.

5.   Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Drawings

6.   The drawings filed on 5/29/1998 are acceptable subject to correction of the

informalities indicated below. In order to avoid abandonment of this application,

correction is required in reply to the Office action. The correction will not be held in

abeyance.

7.   Figures 6-9 are objected because the figures are shaded.

Claim 1 (currently amended): A <u>computer-implemented</u> method for distributing browser web page requests comprising:

receiving a web page request at a first web server of a plurality of web servers, the first web server assigned to service the request by an interceptor operable to allocate web requests among the plurality;

after receiving the web page request at the first web server, determining <u>via a computer processor</u> whether a predetermined condition exists at the first web server; and

if the predetermined condition exists, then redirecting by the first web server the web page request from the first web server to another web server of the plurality for servicing <u>if the request is for a web page that has no state and preventing redirecting if the request is for a web page that has state</u>.

Claims 2-5 (cancelled)

Claim 6 (previously presented): The method of claim 1 wherein the determining comprises monitoring a system load of a computer hosting the first web server.

Claim 7 (original): The method of claim 6 wherein the predetermined condition comprises a CPU utilization greater than a predetermined value.

Claim 8 (original): The method of claim 6 wherein the predetermined condition comprises a memory utilization greater than a predetermined value.

Claim 9 (previously presented): The method of claim 1 wherein the redirecting step comprises redirecting only if the request is for one of a predetermined set of web pages.

Claim 10 (original): The method of claim 9 wherein the predetermined set is predetermined by a list of web pages included in the set.

Claim 11 (original): The method of claim 9 wherein the predetermined set is predetermined by a list of web pages excluded from the set.

Claim 12 (currently amended): A computer-implemented method for distributing browser web page requests comprising:

receiving a web page request at a first web server of a plurality of web servers, the first web server assigned to service the request by an interceptor operable to allocate web requests among the plurality;

after receiving the web page request at the first web server, determining via a computer processor whether a predetermined condition exists at the first web server; and

if the predetermined condition exists, then redirecting by the first web server the web page request from the first web server to another web server of the plurality for servicing, wherein the redirecting step comprises redirecting only if the request is for a web page that does not have state and preventing redirecting if the request is for a web page that has state.

Claim 13 (previously presented): The method of claim 12 wherein the redirecting step further comprises:

determining whether the web page is included in a list of web pages that have state.

Claim 14 (previously presented): The method of claim 1 wherein the predetermined condition comprises a failure.

Claim 15 (currently amended): A system for servicing web page requests, comprising:

an interceptor for receiving web page requests and redirecting each request to one of a plurality of web servers;

a first web server <u>comprising a processor</u> operable to redirect, from the first web server to a second web server of the plurality, a web page request made of the first web server, if a predetermined condition is determined to exist at the first web server; and

a manager for monitoring the first web server to determine if the predetermined condition exists at the first web server after receiving the web page request at the first web server, <u>wherein the redirecting comprises redirecting only if the request is for a web page that does not have state and preventing redirecting if the request is for a web page that has state</u>.

Claim 16 (previously presented): The system of claim 15 wherein the web server is operable to transfer only requests for predetermined web pages.

Claims 17-24 (cancelled)

Claim 25 (previously presented): The method of claim 1 wherein redirecting is initiated by an agent in communication with a web server interface, the agent operable to instruct the web server interface to cause the web server to redirect.

Claim 26-33 (cancelled)

Claim 34 (previously presented): The method of claim 1, wherein an agent is in communication with the first web server through a web server interface, and instructs the first web server to redirect using commands given through the web server interface.

Claim 35 (previously presented): The method of claim 1, wherein the redirecting includes redirecting by the first web server to the interceptor, and reassigning the web page request to the another web server.

Claim 36 (previously presented): The method of claim 1, further comprising monitoring web page requests received at the first web server, and if no web page request has been received after a time then restarting the first web server.

Claim 37 (currently amended): A computer readable medium from which a machine can obtain instructions for causing the machine to perform a method comprising:

receiving a web page request at a first web server of a plurality of web servers, the first web server assigned to service the request by an interceptor operable to allocate web requests among the plurality;

after receiving the web page request at the first web server, determining whether a predetermined condition exists at the first web server; and if the predetermined condition exists, then

redirecting the web page request by the first web server from the first web server for servicing at another web server of the plurality, wherein the redirecting comprises redirecting only if the request is for a web page that does not have state and preventing redirecting if the request is for a web page that has state.

Claim 38 (previously presented): The method of claim 1, wherein determining whether a predetermined condition exists at the first web server is performed in response to receiving the web request at the first web server.

Claim 39 (previously presented): The method of claim 12, wherein the state is associated with a user's session with the first web server.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad Abdullahi whose telephone number is 571-272-

4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the

examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can

be reached on 571-272-4001. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

9.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Salad Abdullahi/
Primary Examiner, Art Unit 2457